

In The Matter Of:

*Chad Hogan v.
City of Montgomery, et al.*

*M. D. Gordon
February 9, 2006*

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<div>Page 1</div> <div>[1] IN UNITED STATES DISTRICT COURT</div> <div>[2] FOR THE MIDDLE DISTRICT OF ALABAMA</div> <div>[3] NORTHERN DIVISION</div> <div>[4]</div> <div>[5] CHAD HOGAN,</div> <div>[6] Plaintiff,</div> <div>[7] vs. CIVIL ACTION NO.</div> <div>[8] 2:05CV-687-F</div> <div>[9] CITY OF MONTGOMERY, et al.,</div> <div>[10] Defendants.</div> <div>[11]</div> <div>[12]</div> <div>[13] * * * * *</div> <div>[14]</div> <div>[15]</div> <div>[16]</div> <div>[17] DEPOSITION OF M. D. GORDON,</div> <div>[18] taken pursuant to notice and stipulation on behalf of the</div> <div>[19] Plaintiff, in the Law Offices of Thomas, Means, Gillis &</div> <div>[20] Seay, P.C., 3121 Zelda Court, Montgomery, Alabama, before</div> <div>[21] Angela Fulmer, Certified Shorthand Reporter and Notary</div> <div>[22] Public in and for the State of Alabama at Large, on</div> <div>[23] February 9, 2006, commencing at 9 a.m.</div>	<div>Page 3</div> <div>[1] STIPULATIONS</div> <div>[2] It is stipulated and agreed by and between</div> <div>[3] counsel representing the parties that the deposition of</div> <div>[4] M. D. GORDON may be taken before Angela Fulmer, Certified</div> <div>[5] Shorthand Reporter and Notary Public in and for the State</div> <div>[6] of Alabama at Large, without the formality of a</div> <div>[7] commission; and all formality with respect to other</div> <div>[8] procedural requirements is waived; that objections to</div> <div>[9] questions, other than objections as to the form of the</div> <div>[10] questions need not be made at this time, but may be</div> <div>[11] reserved for a ruling at such time as the deposition may</div> <div>[12] be offered in evidence or used for any other purpose by</div> <div>[13] either party as provided by the Federal Rules of Civil</div> <div>[14] Procedure.</div> <div>[15] It is further stipulated and agreed by and</div> <div>[16] between the parties hereto and the witness, that the</div> <div>[17] signature of the witness to this deposition is hereby</div> <div>[18] waived</div> <div>[19]</div> <div>[20]</div> <div>[21]</div> <div>[22]</div> <div>[23] * * * * *</div>
<div>Page 2</div> <div>[1] APPEARANCES</div> <div>[2]</div> <div>[3] FOR THE PLAINTIFF:</div> <div>[4]</div> <div>[5] ANDERSON K. NELMS, ESQUIRE</div> <div>[6] JAY LEWIS, ESQUIRE</div> <div>[7] Law Offices of Jay Lewis, L.L.C.</div> <div>[8] 847 S. McDonough Street</div> <div>[9] Montgomery, Alabama 36104</div> <div>[10]</div> <div>[11] FOR THE DEFENDANTS:</div> <div>[12]</div> <div>[13] H. LEWIS GILLIS, ESQUIRE</div> <div>[14] CHRISTOPHER K. WHITEHEAD, ESQUIRE</div> <div>[15] RAMADANAH M. SALAAM, ESQUIRE</div> <div>[16] Thomas, Means, Gillis & Seay, P.C.</div> <div>[17] 3121 Zelda Court</div> <div>[18] Montgomery, Alabama 36106</div> <div>[19]</div> <div>[20] MICHAEL D. BOYLE, ESQUIRE</div> <div>[21] City of Montgomery</div> <div>[22] 103 No. Perry Street</div> <div>[23] Montgomery, Alabama 36104</div> <div>[24]</div> <div>[25] ALSO PRESENT:</div> <div>[26]</div> <div>[27] Ron Cook</div> <div>[28] Billy Caulfield</div> <div>[29] Chad Hogan</div> <div>[30]</div> <div>[31]</div> <div>[32]</div> <div>[33]</div>	<div>Page 4</div> <div>[1] INDEX</div> <div>[2]</div> <div>[3] EXAMINATION PAGE</div> <div>[4] BY MR. NELMS: 5</div> <div>[5]</div> <div>[6] EXHIBITS PAGE</div> <div>[7] PX1 I&O, arrest report, statements 95</div> <div>[8] PX2 interrogatories 98</div> <div>[9] PX3 drawing 107</div> <div>[10]</div> <div>[11] CERTIFIED QUESTIONS PAGE</div> <div>[12] Lines 19-21 85</div> <div>[13] Lines 1-3 101</div> <div>[14]</div> <div>[15]</div> <div>[16]</div> <div>[17]</div> <div>[18]</div> <div>[19]</div> <div>[20]</div> <div>[21]</div> <div>[22]</div> <div>[23]</div>

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[1] M. D. GORDON, of lawful age,
[2] having been first duly sworn, testified as follows:
[3] **EXAMINATION**
[4] **BY MR. NELMS:**
[5] **MR. NELMS:** Usual stipulations?
[6] **MR. WHITEHEAD:** Yeah.
[7] **Q.** Okay, sir. By the way, I noted that the notice of
[8] deposition said Jim Gordon.
[9] **A.** I think J. M. or something.
[10] **Q.** Yeah. I wanted to make sure I've got the right guy.
[11] State your full name for the Record.
[12] **A.** Marquedric Dante Gordon.
[13] **Q.** And do you have -- and you're a member of the
[14] Montgomery Police Department?
[15] **A.** Correct.
[16] **Q.** And were you a member of the Montgomery Police
[17] Department in March of 2005?
[18] **A.** Correct.
[19] **Q.** And do you have a number assigned to you as an
[20] officer?
[21] **A.** I do.
[22] **Q.** And what is your number?
[23] **A.** It's -- right now it's 149. But then it was 150.

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[1] **Q.** 150?
[2] **A.** Uh-huh.
[3] **Q.** Okay. And are you the officer that made the arrest
[4] of Chad Hogan in --
[5] **A.** Yes, sir.
[6] **Q.** Okay. We had a J. M. Gordon and then I dictated to
[7] the secretary and she put Jim Gordon and neither was
[8] right. How about that?
[9] **A.** I don't even think we have a J. M. at the police
[10] department.
[11] **Q.** All right. But you got served with the lawsuit?
[12] **A.** Right.
[13] **Q.** Okay. And you are the proper defendant?
[14] **A.** Right.
[15] **MR. GILLIS:** Objection.
[16] **MR. NELMS:** I'll agree with your
[17] objection.
[18] **MR. WHITEHEAD:** Yeah.
[19] **Q.** All right. How long have you been with the police
[20] force?
[21] **A.** April 18, 2002 is my hire date.
[22] **Q.** Okay. And what's your date of birth?
[23] **A.** February 9, 1982 is my birth date.

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[1] **Q.** Okay. And did you attend the police academy?
[2] **A.** Yes.
[3] **Q.** Which one?
[4] **A.** Montgomery Police Academy.
[5] **Q.** Okay. And did you graduate?
[6] **A.** I did.
[7] **Q.** All right. Are you post certified?
[8] **A.** I am.
[9] **Q.** Okay. And when did you graduate?
[10] **A.** August -- I want to say August 12, '02.
[11] **Q.** All right. And when did you receive your post
[12] certification?
[13] **A.** August 12th. My graduation date.
[14] **Q.** All right. And during your post training, what
[15] classes, generally, did you take?
[16] **A.** We took plenty.
[17] **Q.** Well, let me tell you -- are you aware that there is
[18] a basic level, an advanced level, and an executive
[19] level of training for post certification?
[20] **A.** Well, I -- I don't know what the Montgomery Police
[21] standards would be. I don't know if it's basic or
[22] advanced or what it would be. But whatever their
[23] standards are, that's what I took. I'm not sure

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[1] exactly what it is.
[2] **Q.** Okay. So is it fair to say you completed the basic?
[3] **A.** Correct.
[4] **Q.** Okay. Have you been back for any other training for
[5] any further post certification?
[6] **A.** I take -- yeah. I take classes. We have classes
[7] all the time that we go back and -- refresher
[8] courses or -- just classes for just additional
[9] training.
[10] **Q.** Are you maintain -- are you required to maintain
[11] certain --
[12] **A.** Hours.
[13] **Q.** -- credit hours?
[14] **A.** Right.
[15] **Q.** On an annual basis?
[16] **A.** Correct.
[17] **Q.** Okay. I also note that you have on your lapel that
[18] you're a K-9 officer.
[19] **A.** Correct.
[20] **Q.** Okay. Do you have any special training to be a --
[21] **A.** Correct.
[22] **Q.** Okay. Tell me about that special training.
[23] **A.** Well, when you transfer to the K-9 unit, you're

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[1] Suburban?
[2] A. No. I want to say a Chevy Blazer.
[3] Q. Blue?
[4] A. That's what I was driving that night, yeah.
[5] Q. Okay. Do you know what year?
[6] A. Ninety -- it was a ninety something. I don't know.
[7] Q. Okay. Late nineties?
[8] A. Late nineties, yeah.
[9] Q. Okay. Do you know why it is that you're driving
[10] basically an unmarked vehicle?
[11] A. That's just the vehicle --
[12] MR. WHITEHEAD: Object to the form. Go
[13] ahead.
[14] A. Those were the vehicles we were assigned.
[15] Q. Okay. Are all K-9 officers assigned unmarked
[16] vehicles?
[17] A. Correct.
[18] MR. WHITEHEAD: Object to the form.
[19] Q. Okay. As a matter of fact, there's a K-9 manual
[20] that you're given as a K-9 officer, is there not?
[21] A. Correct.
[22] Q. And it indicates that K-9 officers are given
[23] unmarked vehicles, does it not?

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[1] A. Correct.
[2] Q. Okay. So you considered the vehicle that you were
[3] operating that night to be unmarked; is that
[4] correct?
[5] MR. WHITEHEAD: Object to the form.
[6] A. It was unmarked, correct. But -- I mean, it had the
[7] markings that I explained earlier on it.
[8] Q. Okay.
[9] A. The antennas and the tinted windows and the blue
[10] lights.
[11] Q. All right. What are the typical duties of a K-9
[12] officer working third shift?
[13] A. K-9, our main duties are to assist patrol in
[14] apprehending. Our main goal is to apprehend
[15] felonies -- felons and also assist patrols on
[16] alarms.
[17] Q. Okay.
[18] A. And felonies would be robberies, burglaries,
[19] anything like that.
[20] Q. Okay. And do you have a recollection of being
[21] dispatched to Arnaud's Quality Meats on the Eastern
[22] Boulevard on March 31, 2005?
[23] A. Correct.

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[1] Q. Okay. And how did you get dispatched to Arnaud's
[2] Quality Meats?
[3] A. I was assisting patrol on a call. Which, initially,
[4] dispatch patrol is always -- a K-9 unit is a back-up
[5] unit to an alarm. I don't remember what unit it
[6] was. But I was the back-up unit on that call.
[7] Q. Okay. Back-up unit to whom?
[8] A. Patrol.
[9] Q. Okay. And anyone in particular on patrol?
[10] A. I was just on that side of town, so I assisted
[11] patrol.
[12] Q. You were the closest?
[13] A. Correct.
[14] Q. Okay.
[15] A. I think I was assigned to east side that night.
[16] Q. Okay. During your post training, did you receive
[17] training in radio operations and communications?
[18] A. Correct.
[19] Q. Okay. And is there a certain protocol that is to be
[20] used by officers in and during their communications
[21] over the radio?
[22] MR. WHITEHEAD: Object to the form.
[23] A. It depends. What -- could you just ask the question

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[1] another way. What do you mean by that?
[2] Q. Sure. Is there a certain procedure that you're
[3] taught when using radio communications with, say,
[4] dispatch?
[5] A. Correct.
[6] Q. Okay. And are you, during your post training,
[7] taught certain codes for different events or alleged
[8] crimes?
[9] A. Correct.
[10] Q. Okay. And are you taught to use those codes in your
[11] communications with dispatch?
[12] A. Correct.
[13] Q. Okay. Did you receive from dispatch any code in
[14] regard or reference to Arnaud's Meat that night?
[15] A. I did.
[16] Q. Okay. And, by the way, if I'm not specific as to
[17] time and date, generally, I'm always going to be
[18] referring to the events of March 31, 2005.
[19] A. Okay.
[20] Q. All right. And I know that it happened late at
[21] night and maybe some of the events rolled over into
[22] the next day, which would have been April the 1st I
[23] believe --

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[1] you're in that area and then you respond to
[2] dispatch? Or does dispatch actually call you and
[3] say, you're there, I need you to go?
[4] A. Patrol, she would do that. But us, we just -- like
[5] I said, we back up units. If we're in area, we get
[6] en route to the call.
[7] Q. Okay. And what's the code for a burglary?
[8] A. It's an 11.
[9] Q. An 11. Okay. So when you get a call for, let's
[10] say, a burglary, and you're arriving at the address
[11] in question --
[12] A. Uh-huh.
[13] Q. -- what by way of radio protocol are you supposed to
[14] do once you get there?
[15] A. I can either press a button on my computer and it'll
[16] show me -- that I've arrived, or I can get on the
[17] radio and tell her that I'm 10-17. 10-17 is the
[18] code.
[19] Q. 10-17 means you've arrived on the scene?
[20] A. Correct.
[21] Q. Okay. How is -- and, again, back on March 31, 2005,
[22] how was Osko kept in your Blazer? Is he by your
[23] side? Is he in the back?

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[1] A. He's free roam in my truck. He can -- everywhere I
[2] go in my truck he can go.
[3] Q. Okay.
[4] A. He's not -- there's no divider or anything in it.
[5] He can -- I mean, he can go all around the truck if
[6] he wants to.
[7] Q. Okay. Is he kept on a leash at all times?
[8] A. Not in the truck, no.
[9] Q. Okay. When outside the truck, do you put him on a
[10] leash or...
[11] A. It depends on -- I mean, why he's out of the truck.
[12] It just depends.
[13] Q. Okay. On the night in question, were -- was anyone
[14] else with you in your vehicle?
[15] A. Myself and my partner.
[16] Q. Okay. And your partner is Osko?
[17] A. Correct.
[18] Q. Okay. And did you receive a call from dispatch
[19] regarding Arnaud's Meats?
[20] A. Correct.
[21] Q. All right.
[22] A. I assisted patrol on the call.
[23] Q. Okay. So the call didn't come directly to you?

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[1] A. No.
[2] Q. Okay. So was the call -- to whom?
[3] A. To patrol.
[4] Q. Okay. Just patrol generally?
[5] A. Right.
[6] Q. Okay. And you responded?
[7] A. Right.
[8] Q. Okay. And was it a Code 11?
[9] A. Right.
[10] Q. Okay. And tell me what you did in response to the
[11] dispatch call for Code 11.
[12] A. I got on the radio, used my unit number, 150, at the
[13] time. I told her that I would be en route. I don't
[14] know where I was coming from. I can't remember.
[15] And I got en route to the call. And I proceeded to
[16] the business.
[17] Q. Okay. And when you arrived at the business, what's
[18] the -- first of all, what was the weather like?
[19] A. It had been raining. During the time -- I don't
[20] know if it was raining when I was en route to the
[21] call or not. That night it had been raining all
[22] night. Just a wet night.
[23] Q. Okay. And when you arrived at the scene, what's the

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[1] -- when you arrived at Arnaud Meats, what's the
[2] first thing you saw?
[3] A. When I pulled into the business, my normal protocol
[4] would be, my training in the academy, you pull into
[5] an alarm, you turn your lights off. That way if
[6] suspects, or suspect, are there they can't see you
[7] coming in. I pulled off of the boulevard on to the
[8] service road. I don't know the exact name of the
[9] service -- it may be the Northern Boulevard. It's
[10] just a service road on the side. I turned my lights
[11] off. I noticed a vehicle parked in the parking lot
[12] and an unknown subject running back to the vehicle
[13] and get into the vehicle -- into the back seat of
[14] the vehicle. The vehicle pulled off. I continued
[15] to go to the building. I looked over, and I saw the
[16] window unsecured. At the time, I didn't know if it
[17] was busted or just raised or what it was. I
[18] immediately followed the car.
[19] Q. Okay. I'd asked you what was the first thing you
[20] saw. So the first --
[21] A. The car was the first thing I noticed.
[22] Q. You noticed the car --
[23] A. Correct.

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[1] Q. -- before you noticed the window?
 [2] A. Correct. Because I hadn't made it to the business.
 [3] Q. Okay. And what kind of car was it?
 [4] A. It was a -- don't get me wrong, it's been a while.
 [5] I want to say a Lincoln Town Car.
 [6] Q. Do you know what year?
 [7] A. No. I can't remember it.
 [8] Q. Do you remember the color?
 [9] A. I want to say white. I can't remember exactly,
 [10] though.
 [11] Q. White?
 [12] A. I want to say white. I can't remember.
 [13] Q. Okay. Definitely a lighter color?
 [14] MR. WHITEHEAD: Object to the form.
 [15] A. Correct.
 [16] Q. Okay. You got a Code 11. Is there a specific code
 [17] for a business alarm going off?
 [18] A. It's an 11 Bravo.
 [19] Q. An 11 Bravo?
 [20] A. Bravo.
 [21] Q. Okay. And does that indicate whether or not it's a
 [22] silent or audible alarm?
 [23] A. No.

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[1] Q. Okay. When you drove up, were you able to hear any
 [2] kind of alarm going off?
 [3] A. Yes.
 [4] Q. You were? Okay. And do you have any idea how long
 [5] that alarm had been going off?
 [6] A. No. Dispatch didn't -- I mean, we -- we don't ever
 [7] know that.
 [8] Q. Okay. From the time that you received the Code 11
 [9] from dispatch until you arrived at Arnaud's Meats,
 [10] how much time do you think lapsed?
 [11] A. I want to say maybe three to five minutes at the
 [12] most.
 [13] Q. Three to five minutes?
 [14] A. It didn't take that long.
 [15] Q. Okay. And you --
 [16] A. But we'll just say no more than ten minutes. We'll
 [17] just put it that way for the Record.
 [18] Q. Okay. That's fine. I mean, if you don't know, you
 [19] just don't know.
 [20] And you don't remember exactly where you were
 [21] when you -- when you received the call from
 [22] dispatch?
 [23] A. I can't recall exactly where I was coming from, no.

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[1] Q. Okay. Which direction was the Town Car facing? Let
 [2] me -- we're talking about the parking lot next to
 [3] Arnaud's Meats; right?
 [4] A. Yes, sir.
 [5] Q. All right. As a matter of fact, why don't we draw
 [6] ourself a diagram.
 [7] A. Okay.
 [8] Q. Draw -- you know, and I understand everybody --
 [9] nobody's a perfect artist, but -- and nobody's going
 [10] to hold you to the art of scale. But, if you would,
 [11] just draw Arnaud's Meats for me --
 [12] A. (Witness complies).
 [13] Q. -- and where the window that was open or broken
 [14] was.
 [15] A. The window would be on the side right there.
 [16] Q. And then the Eastern Boulevard and the service
 [17] road.
 [18] A. That would be the service road.
 [19] MR. WHITEHEAD: Yeah. Let's label this
 [20] stuff a little. Write Arnaud's up top and
 [21] window where the star is.
 [22] Q. And Wares Ferry.
 [23] A. (Witness complies).

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[1] Q. Okay. And -- I believe that's correct. And from
 [2] which direction did you come when you were
 [3] dispatched for the call?
 [4] A. I was coming in off of this way turning in right
 [5] there.
 [6] Q. Okay. So you were coming off of Wares Ferry?
 [7] A. I was -- no. I was coming off the Eastern
 [8] Boulevard -- well, the Northern Boulevard. If
 [9] that's the way going back south, I was coming this
 [10] way.
 [11] Q. So you --
 [12] A. I was coming in that way. And I was getting over --
 [13] I was in the turning lane to turn into the business.
 [14] Q. Yes, sir.
 [15] A. And I turned in that way.
 [16] Q. All right. And -- so you turned in on the side
 [17] nearest the window?
 [18] A. Correct.
 [19] Q. Okay. And where was -- I'm going to say Lincoln
 [20] Town Car. Even though I understand you weren't
 [21] absolutely sure it was a Lincoln Town Car.
 [22] A. The car was parked, I would say, about right there
 [23] facing -- the arrow is pointing the way the car was

<p style="text-align: right;">Page 29</p> <p>[1] facing.</p> <p>[2] Q. Okay. And where exactly was this suspect that you</p> <p>[3] saw?</p> <p>[4] A. Okay. When I was turning in, I'd say about maybe</p> <p>[5] there.</p> <p>[6] Q. Approximately halfway in between the car and Arnaud</p> <p>[7] Meats?</p> <p>[8] A. Right. Coming from that direction.</p> <p>[9] Q. Do you want to label that suspect?</p> <p>[10] A. (Witness complies).</p> <p>[11] Q. Okay. And approximately where were you when you</p> <p>[12] could first hear the alarm?</p> <p>[13] A. Well, when I drove up to the business, when the car</p> <p>[14] pulled off, that's when I heard the alarm. When I</p> <p>[15] was coming up to the business.</p> <p>[16] Q. Okay. Describe for me the individual that you saw</p> <p>[17] walking away from the window.</p> <p>[18] A. It was an unknown black male with dark pants and a</p> <p>[19] -- it was either a gray or white T-shirt.</p> <p>[20] Q. Okay. Was it this gentlemen here (indicating)?</p> <p>[21] A. Correct.</p> <p>[22] Q. And you're one hundred percent positive that it was</p> <p>[23] this gentleman here?</p>	<p style="text-align: right;">Page 31</p> <p>[1] can tell me?</p> <p>[2] A. In feet?</p> <p>[3] MR. WHITEHEAD: Object to the form.</p> <p>[4] A. Yeah. I don't know the exact -- I'm sorry.</p> <p>[5] Q. Is there another unit of measurement that you prefer</p> <p>[6] to use. Maybe --</p> <p>[7] A. I'd say maybe from there to there (indicating) -- we</p> <p>[8] can use a football field. I'd say maybe thirty</p> <p>[9] yards, if that.</p> <p>[10] Q. Okay.</p> <p>[11] A. Twenty, thirty yards.</p> <p>[12] Q. Okay. And you said you couldn't remember as you</p> <p>[13] were driving to Arnaud's Meats what the weather was</p> <p>[14] like. Can you remember what the weather was like as</p> <p>[15] you were actually driving up into the parking lot at</p> <p>[16] Arnaud's Meats?</p> <p>[17] A. It -- I know it wasn't raining. It was wet.</p> <p>[18] Q. Okay. And do you remember the time?</p> <p>[19] A. No.</p> <p>[20] Q. Okay. Can you recall whether or not it was before</p> <p>[21] or after midnight?</p> <p>[22] A. I don't recall.</p> <p>[23] Q. Okay. Did you make any radio call back to dispatch</p>
<p style="text-align: right;">Page 30</p> <p>[1] A. Correct.</p> <p>[2] Q. Okay.</p> <p>[3] MR. NELMS: And I'm pointing at</p> <p>[4] Mr. Hogan.</p> <p>[5] Q. Can you tell me, then, what the suspect did?</p> <p>[6] A. Okay. As I said earlier, he ran back to the vehicle</p> <p>[7] and got into the back passenger side of the car.</p> <p>[8] Q. Back right?</p> <p>[9] A. Passenger, right. Back passenger side.</p> <p>[10] Q. Okay. And did you have -- you said earlier that</p> <p>[11] you're trained when you come upon a Code 11 you keep</p> <p>[12] your lights off -- your emergency lights off?</p> <p>[13] A. My headlights and everything.</p> <p>[14] Q. Everything?</p> <p>[15] A. Right.</p> <p>[16] Q. Okay. Did there come a point in time when you</p> <p>[17] turned your lights on?</p> <p>[18] A. Right. When the car left the business, I turned my</p> <p>[19] lights on then, because I knew I was going to try to</p> <p>[20] stop the car.</p> <p>[21] Q. Okay. What was the approximate distance for, let's</p> <p>[22] say, the front bumper of this car and the side here</p> <p>[23] on the northern end of Arnaud's Meat in feet, if you</p>	<p style="text-align: right;">Page 32</p> <p>[1] when you arrived on the scene?</p> <p>[2] A. I don't recall that either. I don't -- I don't know</p> <p>[3] if other units were on the radio. I don't know if I</p> <p>[4] got -- I can't remember.</p> <p>[5] Q. Okay. Did you maybe call 10-17?</p> <p>[6] A. I don't know if I got it on the radio or if I did it</p> <p>[7] on my computer.</p> <p>[8] Q. Okay. Did you at any point in time indicate that</p> <p>[9] you -- after you arrived on the scene, that you saw</p> <p>[10] the car?</p> <p>[11] A. I can't recall if I immediately said that, because I</p> <p>[12] was trying to keep watch on the car. And -- I know</p> <p>[13] when I -- when I attempted to stop the car after the</p> <p>[14] car left the area, I did get on the radio because I</p> <p>[15] called for more units to come assist me.</p> <p>[16] Q. Okay. Do you recall when you first made a call to</p> <p>[17] dispatch in reference to Arnaud's Meats or the</p> <p>[18] suspect?</p> <p>[19] A. I don't recall.</p> <p>[20] Q. Okay. And did you make -- okay. So the first thing</p> <p>[21] that you can recall doing as far as radio</p> <p>[22] communications is calling for backup?</p> <p>[23] A. Correct.</p>

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[1] Q. Okay. And what exactly did you say, if you recall?
 [2] MR. WHITEHEAD: Object to the form.
 [3] A. I don't know exactly what I said, but I advised them
 [4] what I had. I told them I had a vehicle that left
 [5] the business. I was approaching the vehicle and the
 [6] vehicle fled. I asked for more units to come
 [7] assist -- come and assist me. I don't know if I
 [8] said it that way or not.
 [9] Q. Okay. Well, let's talk about it for just a second.
 [10] Now, you said that the vehicle fled. Using the
 [11] little diagram that we've made here --
 [12] A. Okay.
 [13] Q. -- tell me --
 [14] A. Here's the trailer park. I just -- the trailer park
 [15] is all this right here (indicating). The vehicle
 [16] pulled out, and they pulled right about there.
 [17] That's going to be my vehicle. I'll label it SV for
 [18] suspect vehicle.
 [19] Q. Okay.
 [20] A. And PV for police vehicle.
 [21] Q. Okay.
 [22] A. About right there, that's where I stopped them. I
 [23] exited my vehicle. I got about maybe right there to

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[1] Q. I mean, it's pretty expansive. That's my
 [2] characterization.
 [3] So were you -- let's see. That would be to the
 [4] west is where the trailer park is; right?
 [5] A. Right. West, yeah.
 [6] Q. If you can --
 [7] A. To the west of the boulevard, yeah. Right.
 [8] Q. If you can --
 [9] A. Uh-huh.
 [10] Q. -- considering that entire -- that entire parking
 [11] lot -- and I'll guess it's several acres. How deep
 [12] into the parking lot were you at this time when you
 [13] attempted to initiate the stop?
 [14] A. I'm -- I want to say the street's Barberry.
 [15] Q. Yes, sir.
 [16] A. Wherever Barberry is in there. I don't know. Like
 [17] I said, I was watching the car. I don't know how
 [18] many streets I went over and up and all that stuff.
 [19] I don't know.
 [20] Q. So you actually had left the parking lot and were on
 [21] the surface streets in the trailer park when you
 [22] initiated the stop?
 [23] A. We're in the trailer park, right.

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[1] theirs. They immediately fled the area.
 [2] Q. Okay. So you pulled in along behind them. Did you
 [3] initiate your emergency lights?
 [4] A. That's when I initiated my emergency lights, and
 [5] they -- they pulled over and stopped.
 [6] Q. Okay. Did you, at this time -- is this still in the
 [7] parking lot, or do you consider this still in the
 [8] parking --
 [9] A. I ran out of room on the paper. No. It's -- it's
 [10] in the trailer park behind the store. It's a
 [11] trailer park behind the store. And whatever street
 [12] that is in the -- I don't know. I think -- I want
 [13] to say Barberry (phonetic) maybe. Barberry Street
 [14] or Barberry Drive.
 [15] Q. Okay.
 [16] A. I'm not sure.
 [17] Q. Well -- I'm familiar with the parking lot. I assume
 [18] you're familiar with the parking lot. It's a big
 [19] parking lot.
 [20] A. Correct.
 [21] Q. I mean, like the type you would see in front of a
 [22] Bruno's or something.
 [23] A. Yeah.

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[1] Q. Okay. Which direction are you headed once you're in
 [2] the trailer park, and when you attempt to initiate
 [3] the stop for the first time?
 [4] A. That's why I have the car facing that way.
 [5] Q. All right. So you were facing north?
 [6] A. Right.
 [7] Q. All right. So you had turned onto one of the
 [8] streets inside the trailer park heading north when
 [9] you attempted to stop them?
 [10] A. When they stopped.
 [11] Q. Okay. And they came to a stop?
 [12] A. Right.
 [13] Q. Okay. Were you able to have visual contact with any
 [14] of the suspects at the time?
 [15] A. No. Like I said, I was approaching the vehicle. I
 [16] never made it up to the vehicle when the vehicle
 [17] fled.
 [18] Q. Were you able to count the number of people in the
 [19] car?
 [20] A. Not at that time, no.
 [21] Q. Okay. Did you have any idea -- for instance, did
 [22] you know there was more than one?
 [23] A. I knew it was more than one, right. Because the guy

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[1] I saw get back in got in the back seat. So it had
 [2] to be more than one.
 [3] Q. Okay. And which direction did they go after --
 [4] A. After that they -- it's another street that runs
 [5] back up. They were coming back this way. Coming
 [6] back towards the business. And they made that --
 [7] that would be a left. And they came back out and we
 [8] went around the business onto Wares Ferry Road.
 [9] Q. All right. So they went back around, hit the
 [10] service road --
 [11] A. Yeah. Well, I -- I don't know -- I don't think we
 [12] came all the way out to the service road. If you
 [13] know the parking lot, the big lot goes all the way
 [14] back out.
 [15] Q. Yeah.
 [16] A. So they went -- I know we did pass -- I'm sorry. We
 [17] passed the business and went back around front and
 [18] went back around and went out to Wares Ferry.
 [19] Q. Okay. And when you hit Wares Ferry Road, which
 [20] direction of travel did you take?
 [21] A. We were going this way (indicating).
 [22] Q. West. Which is towards town?
 [23] A. Right.

[1] Q. Okay. If you know, if you made such a
 [2] communication -- and, I believe, you said already
 [3] you don't recall. That's right?
 [4] A. Correct.
 [5] Q. Is that communication through your in-car computer
 [6] recorded in any way?
 [7] A. I'm not sure.
 [8] Q. Okay.
 [9] A. It's not -- it's not an actual communication type
 [10] deal. It's just I press a button and it will show
 [11] me 10-17 or 10-08 or what -- I mean, it's not a
 [12] conversation.
 [13] Q. I understand.
 [14] A. I can't -- I can't talk to the computer and tell it
 [15] what I want it to tell the dispatcher, no.
 [16] Q. But you press a function key?
 [17] A. Right.
 [18] Q. And that information, whatever --
 [19] A. It's sent to her. And it will show her that I'm
 [20] there, right.
 [21] Q. At dispatch?
 [22] A. Right.
 [23] Q. Okay. Regarding this lawsuit, other than

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[1] Q. Okay. And tell me about any radio communications
 [2] that you had that you were -- can recall from when
 [3] you attempted to initiate the stop until you hit
 [4] Wares Ferry Road?
 [5] A. When I attempted to initiate the stop, I told her
 [6] what I had. When they pulled off, that's when I --
 [7] I know I got on radio. I told her I had a vehicle
 [8] that just pulled off from me. I asked for more
 [9] units to come and assist me. I knew right then they
 [10] were -- they were going to refuse to stop. We got
 [11] onto Wares Ferry Road, I asked for a unit. I gave
 [12] her my location, and I told her the speed and where
 [13] we were going. And, at that time, other units got
 [14] on the radio and let her know that they were en
 [15] route to back me up.
 [16] Q. Okay. Regarding the -- you said there's two forms
 [17] of communication that you can have. One is through
 [18] dispatch on your radio, and the other is through
 [19] your in-car computer system?
 [20] A. Correct.
 [21] Q. Okay. And you said you can reach down and press a
 [22] button, right?
 [23] A. Right.

[1] conversations that you've had with your counsel,
 [2] your legal counsel --
 [3] A. Uh-huh.
 [4] Q. -- since the night of the incident --
 [5] A. Uh-huh.
 [6] Q. -- have you talked to any other person about the
 [7] facts surrounding the arrest of Chad Hogan?
 [8] A. What do you mean, any other person? I mean, besides
 [9] counsel? I've talked to internal affairs.
 [10] MR. WHITEHEAD: Let me tell you this, too.
 [11] Any conversation that you had with the other
 [12] defendants while we were all here together --
 [13] THE WITNESS: Right.
 [14] MR. WHITEHEAD: Because I represent all of
 [15] you. Don't even talk about anything about
 [16] that.
 [17] THE WITNESS: Right.
 [18] A. Besides that, no. Besides with my counsel and the
 [19] other defendants, no.
 [20] Q. (By Mr. Nelms) Okay. And I believe you said that
 [21] Lieutenant Caulfield is a supervisor?
 [22] A. Correct.
 [23] Q. He's also a defendant; correct?

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[1] A. Correct.
[2] Q. Okay. So have you had meetings with your lawyers
[3] where Lieutenant Caulfield was present?
[4] MR. WHITEHEAD: Object to the form. And
[5] don't answer that. That's the -- anything that
[6] we did is going to be privileged about
[7] meetings we had or details that who was
[8] present.
[9] Q. Without telling me the subject matter that was
[10] discussed, have you had any meetings with your
[11] counsel where Lieutenant Caulfield was present?
[12] MR. WHITEHEAD: You can answer that.
[13] A. Yes.
[14] Q. How many?
[15] A. I don't know. I don't recall.
[16] Q. More than one?
[17] A. Yes.
[18] Q. Less than six?
[19] A. Probably less than six, yes, sir.
[20] Q. Okay.
[21] A. I don't recall. I mean, I don't know the exact
[22] number.
[23] Q. Okay. Was Chief Baylor at any of those meetings?

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[1] A. No.
[2] MR. WHITEHEAD: Stop. This is -- how many
[3] meetings I've had with my client is just as
[4] privileged as what the substance of the
[5] conversation was. If you disagree, so be it.
[6] But I'm going to instruct him not to answer any
[7] more questions about how many meetings we had,
[8] or who was at the meetings, or anything like
[9] that. It's privileged. I'm going to instruct
[10] him not to answer any further questions on
[11] that?
[12] Q. Are you going to answer the question?
[13] A. No.
[14] Q. Did you ever have any conversation with Lieutenant
[15] Caulfield outside the presence of your counsel in
[16] regard to any matters related to Chad Hogan?
[17] A. No. Not that I can recall, no.
[18] Q. Okay. Any conversations with Lieutenant Caulfield
[19] on the night of March the 31st in regard to the
[20] arrest of Chad Hogan?
[21] A. Correct. He's my supervisor.
[22] Q. So you did have a conversation with him that night?
[23] A. That night, yes.

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[1] Q. Okay. Tell me about the substance of those -- that
[2] conversation.
[3] A. I mean, I had to tell him what I had. I mean, he
[4] knew -- he was listening to the radio. And I kept
[5] him up to date on the circumstances of the arrest
[6] and everything.
[7] Q. Okay. What would he have heard on the radio?
[8] MR. WHITEHEAD: Object to the form.
[9] A. He would have heard the radio traffic. He's
[10] assigned the same radio I am. So all radio traffic
[11] that I can hear, he can hear, also.
[12] Q. Okay. Now, I believe you said that you turned on to
[13] Wares Ferry Road and headed towards downtown, which
[14] we believe is west; is that correct?
[15] A. Yes.
[16] Q. Okay. Pick up from there and tell me what
[17] happened.
[18] A. As I said, I requested more units to come assist
[19] me. I want to say the pursuit may have lasted maybe
[20] five minutes. Ten minutes at the most.
[21] Q. Okay.
[22] A. I don't know the exact name of the streets they
[23] turned on to. But the vehicle eventually wrecked.

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[1] Q. Okay. What, were they traveling at a high rate of
[2] speed?
[3] A. Yes, sir.
[4] Q. Okay. Did they run any stop signs?
[5] A. Yes, sir.
[6] Q. Okay.
[7] A. Well, there's no stop signs on Wares Ferry Road.
[8] Q. All right.
[9] A. In the neighborhood, I don't recall. I don't know
[10] if they ran any stop signs or not.
[11] Q. Okay. On Wares Ferry Road did they run any traffic
[12] lights?
[13] A. There's no traffic lights --
[14] Q. Okay.
[15] A. -- in the area that we were traveling.
[16] Q. All right. But they did travel at a high rate of
[17] speed?
[18] A. Correct.
[19] Q. All right. Did they exceed the speed limit at any
[20] time?
[21] A. Correct.
[22] Q. Okay. Did they cross over the center line at any
[23] time?

<p style="text-align: right;">Page 45</p> <p>[1] A. I can't recall that. I don't know.</p> <p>[2] Q. Okay. Did they fail to use turn signals at any</p> <p>[3] time?</p> <p>[4] A. Correct.</p> <p>[5] Q. Okay. Do you recall exactly where the wreck</p> <p>[6] occurred?</p> <p>[7] A. That's what I said. I can't remember the street</p> <p>[8] names.</p> <p>[9] Q. Okay. If I told you the report said Warenwood,</p> <p>[10] would that refresh your recollection?</p> <p>[11] A. If that's what my report says, yes, sir.</p> <p>[12] Q. Okay. Well, not what your report says, but what do</p> <p>[13] you remember? Do you remember it being Warenwood?</p> <p>[14] A. That's what I'm telling you. I can't remember the</p> <p>[15] street name.</p> <p>[16] Q. Okay. That's fine. Well, tell me about the wreck.</p> <p>[17] I mean, exactly how it occurred, if you know.</p> <p>[18] A. Well, the vehicle wrecked into someone's privacy</p> <p>[19] fence in their backyard. The passenger side of the</p> <p>[20] vehicle was up against the fence. And the occupants</p> <p>[21] of the vehicle immediately bailed from the vehicle.</p> <p>[22] Two exited the front driver's side, because they</p> <p>[23] couldn't get out of the passenger's side. And the</p>	<p style="text-align: right;">Page 47</p> <p>[1] A. When it wrecked -- maybe thirty yards when it</p> <p>[2] wrecked.</p> <p>[3] Q. Okay. And tell me, to the best of your</p> <p>[4] recollection, exactly what you did after the wreck.</p> <p>[5] A. After the wreck, when they bailed -- the driver, the</p> <p>[6] passenger, and the rear occupant of the vehicle</p> <p>[7] bailed. I jumped out of the vehicle as well. And I</p> <p>[8] chased them by foot to a fence -- another fence in</p> <p>[9] the backyard.</p> <p>[10] Q. Let me interrupt you. Where did you park or come to</p> <p>[11] rest?</p> <p>[12] A. The car went in the backyard and hit the fence, and</p> <p>[13] I stayed on the street, whatever street it was.</p> <p>[14] Q. Okay. And you jumped out of your car?</p> <p>[15] A. Uh-huh.</p> <p>[16] Q. Your vehicle?</p> <p>[17] A. Uh-huh.</p> <p>[18] Q. Osko went with you?</p> <p>[19] A. Correct.</p> <p>[20] Q. All right. Was he leashed or unleashed?</p> <p>[21] A. He was unleashed.</p> <p>[22] Q. Okay. And you proceeded to go after the fleeing</p> <p>[23] suspect?</p>
<p style="text-align: right;">Page 46</p> <p>[1] one in the back seat, he exited the rear seat of the</p> <p>[2] vehicle -- rear driver's side door.</p> <p>[3] Q. Okay. And did he -- was that Mr. Hogan?</p> <p>[4] A. Correct.</p> <p>[5] Q. Okay. So if I'm understanding you right, he</p> <p>[6] exited -- he was on the left rear side or the</p> <p>[7] driver's side in the rear of the vehicle. But he</p> <p>[8] exited on the passenger's side; is that correct?</p> <p>[9] A. Say that again.</p> <p>[10] Q. Mr. Hogan was in the back seat; is that correct?</p> <p>[11] A. Right.</p> <p>[12] Q. Okay. Did he exit from the driver's side or the</p> <p>[13] passenger's side?</p> <p>[14] A. The driver's side.</p> <p>[15] Q. He was able to --</p> <p>[16] A. The back seat. He couldn't get out of the</p> <p>[17] passenger's side, because they wrecked into a fence.</p> <p>[18] Q. Oh, okay. I'm sorry. I misunderstood you. I</p> <p>[19] thought it was the driver's side that was on the --</p> <p>[20] A. No. The passenger's side.</p> <p>[21] Q. Oh, I'm sorry. Okay.</p> <p>[22] How close behind the Lincoln Town Car were you</p> <p>[23] when it had the accident?</p>	<p style="text-align: right;">Page 48</p> <p>[1] A. Correct.</p> <p>[2] Q. Okay. And pick up from there.</p> <p>[3] A. Okay. I kept my eye on the back passenger, because</p> <p>[4] I knew he was the one that got in the vehicle. The</p> <p>[5] two front people exited first. The back guy, he was</p> <p>[6] the last one out. I chased him to the fence. The</p> <p>[7] front guy went over the fence first and he went down</p> <p>[8] into -- there was a drainage ditch over there. The</p> <p>[9] other guy, he went to the right. And the last guy</p> <p>[10] -- when we were running to the fence, before he can</p> <p>[11] get over -- myself and my partner, we were pretty</p> <p>[12] close to him. That's when he turned and he</p> <p>[13] screamed. I don't know if it was in fear or what it</p> <p>[14] was, but he turned -- turned and yelled (indicating</p> <p>[15] sound) and he proceeded over the fence and he went</p> <p>[16] to the left.</p> <p>[17] Q. Okay. Which one of these individuals was Mr. Hogan?</p> <p>[18] A. That -- the last one.</p> <p>[19] Q. Okay. And just -- I'm going to ask you, please, if</p> <p>[20] you'll just use Mr. Hogan's name so we'll be able to</p> <p>[21] identify which --</p> <p>[22] A. Okay. That's fine.</p> <p>[23] Q. -- one we're talking about. And I'm really mostly</p>

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[1] concerned about Mr. Hogan. The other suspects are
[2] not that important to me.
[3] A. That's fine.
[4] Q. But the other suspects left the area?
[5] A. All three attempted to leave the area, but all three
[6] went opposite directions.
[7] Q. All right.
[8] A. Right.
[9] Q. Now, were there four people total?
[10] A. I only saw three.
[11] Q. Okay.
[12] A. I only pursued three on foot.
[13] Q. Okay. And that includes Mr. Hogan?
[14] A. Correct.
[15] Q. So it was Mr. Hogan --
[16] A. Mr. Hogan was the third -- the last subject to get
[17] over the fence.
[18] Q. All right. And tell me about your pursuit of
[19] Mr. Hogan.
[20] A. Okay. When I got to the fence, as I stated,
[21] Mr. Hogan, he turned around and he yelled -- he
[22] yelled. Like I said, I don't know if it was at my
[23] dog or in fear. He went left. I immediately held

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[1] that night.
[2] Q. Okay.
[3] A. And he was apprehended by another dog. Greg is the
[4] one that apprehended Mr. Hogan.
[5] Q. The dog's name is Greg?
[6] A. Greg, right.
[7] Q. G-R-E-G?
[8] A. Right.
[9] Q. And who is the officer?
[10] A. Corporal Mora. M-O-R-A.
[11] Q. Okay. And do you know exactly where it is that
[12] Mr. Hogan was apprehended?
[13] A. No. Not exactly, no.
[14] Q. Okay. Do you have, at the time, a video camera in
[15] your unit?
[16] A. No.
[17] Q. Okay. At the time, did Corporal Mora have a video
[18] camera in his unit?
[19] A. No.
[20] Q. Do you know who Kirk Pelham is?
[21] A. He was a detective, yes, sir.
[22] Q. Do you have any idea as to whether or not Kirk
[23] Pelham had a video camera in his vehicle?

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[1] my spot, which I'm trained to do. And I called for
[2] other units to get in the area. Some more K-9 units
[3] got in the area. And the spot that I last saw the
[4] subject run is where we began to track.
[5] Q. Okay. Then that happened?
[6] A. The track started, and Mr. Hogan was apprehended in
[7] a backyard not far from where I last saw him.
[8] Q. Okay. Are you leaving anything out?
[9] A. No.
[10] Q. Okay. How is it that Mr. Hogan came to be
[11] apprehended?
[12] A. He was apprehended by a K-9 --
[13] Q. Okay.
[14] A. By a K-9 dog.
[15] Q. Osko got him?
[16] A. Not Osko. It was another dog --
[17] Q. Okay.
[18] A. -- that apprehended Mr. Hogan.
[19] Q. All right. Was there another K-9 unit in the area?
[20] A. That's what I said. I held my spot, and I called
[21] for another K-9 unit to come and assist on the
[22] track. Due to it been raining and due to multiple
[23] suspects, we used two dogs. We did a dual track

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[1] A. I don't know.
[2] Q. You don't know? Okay. Have you had an opportunity
[3] to see any videotape related in any way to the
[4] arrest of Chad Hogan?
[5] A. No.
[6] Q. Okay. Have you had an opportunity to listen to any
[7] audiotape of radio transmissions related to the
[8] arrest of Chad Hogan?
[9] A. No.
[10] Q. All right. Tell me about any radio transmissions
[11] that you recall that night after you called dispatch
[12] informing them that you had -- that there had been a
[13] wreck and that the suspects were on foot.
[14] A. I mean, there were several. Like I said, I called
[15] for more units to come in the area and assist me.
[16] We let them know that K-9 was on the ground so they
[17] can stay off and they won't accidentally get bit by
[18] one of our dogs. When the subject was in custody,
[19] I'd -- I wasn't the one that apprehended him, so I
[20] wasn't the one to say that he was in custody over
[21] the radio. I mean, I can't recall everything that I
[22] said on the radio that night.
[23] Q. I understand. I'm just asking you to tell me what

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[1] Q. Okay. Did Lieutenant Caulfield ever come up to
 [2] headquarters while you were at headquarters on the
 [3] night of the incident?
 [4] A. I think he was there before I was there.
 [5] Q. Okay. Did you ever have an opportunity to see him
 [6] actually at headquarters?
 [7] A. Yes, sir.
 [8] Q. Okay. And this was while -- after the incident
 [9] while you were at headquarters?
 [10] A. Right.
 [11] Q. Okay. And, obviously, before you turned in your
 [12] report to him at the kennel.
 [13] A. Right.
 [14] Q. Okay. Did you have an opportunity to talk to him
 [15] during that window of time where you were both at
 [16] headquarters together?
 [17] A. It was -- if so, it was a brief conversation. It
 [18] would be a, that a boy, good job.
 [19] Q. Okay. Any specifics you can remember about that
 [20] conversation?
 [21] A. No.
 [22] Q. Okay. Do you remember there being an incident at
 [23] Alabama State University involving a K-9 officer and

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[1] bite at Alabama State University?
 [2] A. I mean, everybody -- after a bite, we all talk about
 [3] it, you know, good jobs and everything like that.
 [4] Q. Okay. Well, who did you talk to about the event at
 [5] Alabama State University?
 [6] A. I'm pretty sure I talked to everybody about it.
 [7] Q. Did you talk to Lieutenant Caulfield about it?
 [8] A. He's my supervisor.
 [9] Q. Okay. Did you talk to Corporal Mora about it?
 [10] A. Yes.
 [11] Q. Okay. Who was the K-9 officer in charge of the dog
 [12] that did the biting at ASU?
 [13] A. It was myself.
 [14] Q. Okay. And why don't you tell me the circumstances
 [15] surrounding that event?
 [16] MR. WHITEHEAD: That's fine.
 [17] A. I mean, we got called to assist ASU police. They
 [18] had some subjects that were attempting to break-in
 [19] to an ATM machine and a snack machine. The subjects
 [20] fled and crossed Carter Hill Road onto another
 [21] street, and they hid in the area. One subject
 [22] supposedly had on handcuffs. I think it was three
 [23] of them total.

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[1] his dog?
 [2] A. Correct.
 [3] Q. Do you remember the date of that incident?
 [4] A. I do not.
 [5] Q. Do you recall whether or not it was before or after
 [6] March 31, 2005?
 [7] A. It was before.
 [8] Q. Okay. Months, weeks, days? Can you tell me?
 [9] A. I can't remember. Maybe weeks.
 [10] Q. Okay.
 [11] A. Maybe months. I don't know.
 [12] Q. Okay. Do you know whether or not there was
 [13] allegation that the bite at Alabama State University
 [14] was unlawful?
 [15] A. Yes.
 [16] Q. Okay. And, in fact, was there an allegation that
 [17] the bite at Alabama State University was unlawful?
 [18] A. Yes.
 [19] Q. Had there been discussion among the K-9 officers of
 [20] the event at Alabama State University?
 [21] A. What do you mean?
 [22] Q. Did you ever talk to any of your fellow K-9 officers
 [23] about the circumstances of the event regarding the

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[1] We got called in the area to assist. We got
 [2] there, I put my dog on the ground, Corporal Mora
 [3] used his dog as well. He located the first
 [4] suspect. His dog apprehended him. A couple of
 [5] minutes later -- maybe thirty minutes later, I
 [6] apprehended the second suspect attempting to hide
 [7] and get away from me hiding in a bush.
 [8] Q. Do you recall the name of the individual that was
 [9] bitten by Osko?
 [10] A. I can't remember.
 [11] Q. Okay. Was he subsequently convicted?
 [12] A. That I don't know.
 [13] Q. Okay. Did you ever have to go to court to testify?
 [14] A. No.
 [15] Q. What was the nature of the complaint?
 [16] A. It was -- like I said, it was a burglary in
 [17] progress.
 [18] Q. No. The complaint regarding the bite.
 [19] A. He made allegations that the bite was unlawful.
 [20] Q. What, if you know, specifically, did he say?
 [21] A. I don't know exactly what he said.
 [22] Q. Has a lawsuit been filed against you in that case?
 [23] A. I haven't been served a lawsuit, no.